UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,311	06/27/2001	Mark A. Clark	999960.48069	1648

7590 10/20/2005	**EXAMINER**
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ART UNIT	PAPER NUMBER
2121	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/891,311	CLARK ET AL.
	Examiner	Art Unit	
	Sergey Datskovskiy	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 August 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-19</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-19</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Status of the claims

Claims 1-19 were originally presented. After the Second Non-final Office Action, claims

1, 10 and 11 were amended. Claims 1-19 are still pending in the Instant Application.

Claim Objections

1.   Claims 1 and 10 are objected to because of the following informalities:

a.   There is a misspelled phrase "plurality of level" in line 7 of claim 1.

b.   There is a misspelled phrase "once code segment" in line 4 of claim 10.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2.   Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Specifically, the phrase "determining if the database contains enough

information" in claims 1, 10 and 11 is indefinite, since it is not clear how much

information is "enough" to perform the claimed action.

Claims 2-9 and 12-13 are rejected due to their dependency upon a rejected base

claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1.   Claims 1, 5-6, 10 and 14 are rejected under 35 U.S.C. 102(b) as being

anticipated by Philip Schrodt, "Event Data in Foreign Policy Analysis" (Schrodt).

Specifically,

Claim 1

Schrodt teaches a method of conflict assessment (page 2, fourth paragraph,

event data is the method to measure the phenomena) using a relational database

stored on a source medium loaded onto a computer system, (page 2, last paragraph;

databank event data set is relational database; page 8, second paragraph where it says

"event data collections were assembled." Assembled data is a relational database. The

use of computer systems is anticipated at page 5, paragraph 4) comprising:

- Selecting a country and time period to analyze (page 2, last paragraph, the

   selected country is Soviet Union with time period 1948-1978. The analysis is

   disclosed to not be limited to any specific single country, and therefore, it is

   inherent to select a country if conflict assessment is to be conducted.)

- Determining if the database contains enough information to perform a base assessment of the selected country (In view of indefiniteness of the phrase "enough information" in the claim, it is interpreted as determining if the information exists. Page 8, last paragraph discloses that data sets already existed are used and new data sets are also created which determines that the database does not contain enough information);

- Gathering up-to-the-moment information by Internet searches (page 5, first paragraph, disclosed as newswire service);

- Analyzing the information to determine a plurality of level of internal conflict indicators (page 2,paragraph 4, reported interaction is the indicator and the score is the determined level. An example of internal conflict is *intifada* uprising disclosed in page 3, the last paragraph, and page 4, paragraph 1)

- Factoring the present state of each indicator (page 5, paragraph 2., the categories of events are indicators) and the indicators' cumulative value against past conflict assessment by determining the rate of change in the state of conflict (page 4, paragraph 3; It cites "the time series gives a more exact measure of the patterns of events over time," hence it measures historically and statistically the event value. These events include event code 21143 the "Change in Combat Force Level" on Table 4 at page 12. So it measures over time the change, or rate, of change in combat force level, or the state of conflict.) and the differences in the contributing factors;

- Outputting the assessment data results for a user to view (page 3, figure 1).

Claims 5-6

Official notice is taken of the fact that data may be stored on a 3½ inch diskette or a CD-ROM disk when a computer system is used (page 5, paragraph 4).

Claim 10

Schrodt teaches a storage media containing a database program for assessing and determining conflicts using a computer (using computer program is disclosed in page 5, paragraph 4; it is inherent for a computer program to be stored on a storage media such as, for example, hard drive, floppy disk, CD-ROM, or any type of computer memory), said program comprising:

- One code segment which loads/sets up said program onto said computer (it is inherent for a program running on a computer to have a code segment which loads said program in the operating memory of said computer);

- One code segment which determines if the program's internal database contains enough information to perform a base assessment on the selected input (In view of indefiniteness of the phrase "enough information" in the claim, it is interpreted as determining if the information exists. Page 8, last paragraph discloses that data sets already existed are used and new data sets are also created which determines that the database does not contain enough information);

- One code segment which gathers additional information when needed to perform said base assessment (page 5, first paragraph, all information gathered from newspapers, magazines and newswire services can be viewed as additional if the database already has some information stored);

- One code segment which performs analysis on the indicators (page 2, paragraph 4, reported interaction is the indicator and the score is the determined level);

- One code segment which compares a present state of said indicators (page 5, paragraph 2., the categories of events are indicators) and said indicators' cumulative values against past assessments (page 4, paragraph 3 compares the level of conflict at two different time points);

- One code segment which determines a rate of change in a state of internal conflict and the differences in contributing factors (page 4, paragraph 3; It cites "the time series gives a more exact measure of the patterns of events over time," hence it measures historically and statistically the event value. These events include event code 21143 the "Change in Combat Force Level" on Table 4 at page 12. So it measures over time the change, or rate, of change in combat force level, or the state of conflict.; and

- One code segment which outputs assessment data results for the user to view (page 3, figure 1).

Claim 14

Schrodt teaches a method of conflict assessment, (page 2, fourth paragraph) containing a relational database of information relating to indicators. (page 2, last paragraph; databank event data set is relational database; page 8, second paragraph where it says "event data collections were assembled." Assembled data is relational database.) (These datum are variables, see page 2, first paragraph, that provide rough indication of the level of conflict, see page 2, forth paragraph, and these variables stored in database relates to indicators.)

- Updating the database with current information (page 8, last paragraph, page 9, first paragraph.)

- Analyzing the information to determine a plurality of level of conflict indicator for a country (page 8, paragraph 3., page 3, all paragraphs.)

- Determining a rate of change of conflict in the country (page 4, third paragraph)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 2-4 rejected under 35 U.S.C. 103(a) as being unpatentable over Schrodt

as applied to claim 1 above and further in view of Brandt, "Evaluating Information on the

Internet" (Brandt)

Claims 2-4

(claim 2) The step of determining if the database contains enough information in claim 1

comprising:

- Searching all pre-determined online sources (page 5, paragraphs 1-2. the

  sources are identified, hence pre-determined, page 8, paragraph 2, "event data

  collections were assembled" hence searched from predetermined online

  sources.)

- Search database files (page 10, last paragraph. The COPDAB data set is the

  database.)

  - (claim 3) the database files include categories of government, people,

    economy, geography, communication/transportation, military, health,

    domestic security, and international areas (page 11, paragraphs 1 and 2.

    The events include political, economic or culture, etc.)

- Determining the information reliability comprising'.

  - (claim 4) corroborating information, determining computational

    relationships, identifying information holes and determining source

    reliability ratings (Brandt, page 3)

Schrodt teaches collecting information from variety sources including online. Schrodt does not teach ways of determining the information reliability.

Brandt teaches ways of evaluating information on the Internet by checking reliability and credibility of the information for the purpose of ensuring that the information is authoritative and reliable. (page 3)

It would have been obvious for one of ordinary skills in the art at the time of the invention by applicant to search online and other information source, store them in database, and evaluate both quality and completeness of the information as taught by Brandt for the purpose of ensuring that the information is authoritative and reliable, so that Schrodt's data both authoritative and reliable.

3.   Claims 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schrodt as applied to claim 1 above and further in view of Carnegie Mellon University, "Commercial Software Models." (CMU) Specifically,

Claim 7

Schrodt teaches a step of determining the level of indicators of selected country in the method taught in claim 1.

Schrodt fails to teach the detail steps how to determine the level of indicators.

CMU teaches a Weighted Factors Approach that has the detail steps of determining the level of indicators. The steps comprise:

- Determining indicator rankings (Page 41, Figure 6-17, the table teaches the ranking of the indicators).

- Determining each indicator's weighted values (Page 40 last paragraph, Page 41, Figure 6-17, the table teaches the weights of the indicators)

- Determining the presence of anomalies that effect the ranked indicators (page 53, the eighth bullet of Evidence of Credibility)

One of the ordinary skills in the art would have provided the Weighted Factors Approach taught by CMU for the purpose of determining the level of indictors for the selected country taught by Schrodt. As a result it would have been obvious to one of ordinary skills in the art at the time of applicants' invention to further implement the invention taught by Schrodt for determining the levels of indicators using Weighted Factors Approach as taught by CMU as set forth above.

Claim 11

Schrodt teaches a method of conflict assessment (page 2, fourth paragraph, event data is the method to measure the phenomena) using a relational database stored on a source medium loaded onto a computer system (using computer program is disclosed in page 5, paragraph 4; it is inherent for a computer program to be stored on a storage media such as, for example, hard drive, floppy disk, CD-ROM, or any type of computer memory), comprising the steps of:

- Selecting a country and time period to analyze (page 2, last paragraph, the selected country is Soviet Union with time period 1948-1978. The analysis is disclosed to not be limited to any specific single country, and therefore, it is inherent to select a country if conflict assessment is to be conducted.);

- Determining if the database contains enough information to perform a base assessment of the selected country (In view of indefiniteness of the phrase "enough information" in the claim, it is interpreted as determining if the information exists. Page 8, last paragraph discloses that data sets already existed are used and new data sets are also created which determines that the database does not contain enough information);

- Factoring the present state of each indicator (page 5, paragraph 2., the categories of events are indicators) and the indicators' cumulative value against past conflict assessments by determining a rate of change in the state of internal conflict and the differences in the contributing factors (page 4, paragraph 3; It cites "the time series gives a more exact measure of the patterns of events over time," hence it measures historically and statistically the event value. These events include event code 21143 the "Change in Combat Force Level" on Table 4 at page 12. So it measures over time the change, or rate, of change in combat force level, or the state of conflict.); and

- Outputting the assessment data results of a user to view (page 3, figure 1).

Schrodt fails to teach:

- Gathering up-to-the-moment information by determining indicator rankings for the selected country, determining each indicator's weighted values for the selected country, and determining the presence of anomalies that effect the ranked indicators;

CMU teaches CMU teaches a Weighted Factors Approach that has the detail steps of determining the level of indicators. The steps comprise:

- Determining indicator rankings (Page 41, Figure 6-17, the table teaches the ranking of the indicators).

- Determining each indicator's weighted values (Page 40 last paragraph, Page 41, Figure 6-17, the table teaches the weights of the indicators)

- Determining the presence of anomalies that effect the ranked indicators (page 53, the eighth bullet of Evidence of Credibility)

One of the ordinary skills in the art would have provided the Weighted Factors Approach taught by CMU for the purpose of gathering up-to-the-moment information by determining the level of indictors for the selected country taught by Schrodt. As a result it would have been obvious to one of ordinary skills in the art at the time of applicants' invention to further implement the invention taught by Schrodt for determining the levels of indicators using Weighted Factors Approach as taught by CMU as set forth above.

Claims 15-19

4.   Claims 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Schrodt as applied to claim 14 above and further in view of Pauline Baker at "Session

III: Democracy and Governance: Justice and Security" (Baker) teaches indicators that

comprise:

- (claim 15) legacy of vengeance-seeking group grievance or group paranoia (list# 3)

- (claim 16) criminalization and/or delegitimization of the country (list# 7)

- (claim 17) security apparatus (list# 10).

- (claim 18) rise of factionalized elites (list# 11)

- (claim 19) intervention of other states (list# 12)

Schrodt teaches event data method to measure conflict situation using

systematically measured variables by identifying sources of news (page 1, paragraph 1

and 4) and teaches the creation of relevant data for the variables (page 5, paragraph 1).

Schrodt does not limit particular sources of news and variables, hence does not teach

the data variables listed in claims 15-19 such as criminalization. One ordinary skill in the

art at the time of invention would have used the method taught by Schrodt to identify

information source and select related variables as listed in claims 15-19 taught by

Baker.

Response to Arguments

Claim Rejections – 35 U.S.C. § 112, first paragraph

5.   Applicant(s) argue(s) that claims 1, 8 and 9-13 satisfy the enablement requirement and, therefore, should not be rejected under U.S.C. §112, first paragraph (Amendment REMARKS pages 8-10).

Applicant's arguments have been fully considered and are persuasive. The 35 U.S.C. §112 first paragraph rejections of claims 1, 8 and 9-13 have been withdrawn.

Claim Rejections 35 U.S.C. §102 and 35 U.S.C. §103

Applicant's arguments filed August 8, 2005 have been fully considered but they are not persuasive. The unpersuasive arguments made by Applicant are stated below:

In reference to Applicant's argument:

> Claims 1, 5-6, and 14 are rejected under 35 U.S.C. 102(a) in view of Schrodt. However, Schrodt's analysis is used for comparing activities between two or more countries while the present claims are directed toward a particular country's activities. For example, Claim 14 includes an element of "determining a rate of change of conflict *in* the country" (emphasis added). Claim 1 has been amended to clarify that the indicators relate to levels of internal conflict, as supported by, for example, on page 6 of the application. In contrast, Schrodt only considers "*foreign* policy interactions" (emphasis added, see page 22), and not indicators of *internal* conflict.

Examiner's response:

Schrodt discloses the analysis applied to the Intifada uprising on page 3, last paragraph and page 4, paragraph 1. Such conflict is an example of an *internal* conflict, taking place *inside* of the country of Israel.

In reference to Applicant's argument:

> Also, Schrodt does not teach determining if a database contains enough information to perform a base assessment as claimed in Claim 1. Schrodt merely teaches checking to see if there is information, regardless of the amount. The system claimed must have enough information so it can perform a base assessment.

Examiner's response:

The term "enough" is indefinite by itself, as it does not specify how much information is "enough". In view of indefiniteness of the phrase "enough information" in the claim, "enough" it is interpreted as a check that said information exists.

In reference to Applicant's argument:

> Schrodt also does not teach gathering up-to-the-minute data as taught in Claims 1 and 14. The data gathered in Schrodt is from articles and newspapers in print. These sources are not up-to-the-minute and it is not inherent for a system to be able to gather information from online, or "up-to-the-minute" sources rather than from a printed paper or article as one can be retrieved by way of a network, while the other data is from an already written record.

Examiner's response:

Schrodt discloses using a newswire service in the first paragraph of page 5. The American Heritage® Dictionary of the English Language, Fourth Edition gives the following definition of the term *newswire*: "A wire service that transmits up-to-the-minute news, usually electronically, to the media and often the public".

In reference to Applicant's argument:

> Additionally, Schrodt does not teach Claims 1 and 14's method of determining the rate of change in the state of conflict and differences in the contributing factors. Schrodt merely mentions determining whether a change in one event (combat force level) has occurred. Schrodt does not disclose determining a *rate of* change, or trend, over a period of time.

Examiner's response:

Schrodt gives several examples of determining a rate of change on page 4, paragraphs 3 and 4. For example, "increase in conflict activity" does not talk about just one event, but rather describes a *trend* showing a rate of change over a period of time. Another example would be the phrase "this time series gives a more exact measure of the patterns of events over time". The pattern of events is formed by a timed series of changes in the level of conflict. Measuring the pattern corresponds to determining a *rate* of change.

6.   Depended claims 2-7 and 15-19 stay rejected because the rejection status of independent claims 1 and 14 did not change.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sergey Datskovskiy whose telephone number is (571) 272-8188. The examiner can normally be reached on Monday-Friday from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight, can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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Assistant examiner   Supervisory Patent Examiner

A.U. 2121   Technology Center 2100